

WILLIAM SEDRICK ROLLERSON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

THIS MATTER is before the Court upon Petitioner’s unopposed Motion to hold this action, which is filed pursuant to 28 U.S.C. § 2255, in abeyance pending final disposition of United States v. Weston, Fourth Cir. No. 15-4744. (Doc. No. 5). Petitioner is represented by the Federal Defenders of Western North Carolina. Counsel for the Government does not object to the Motion. (Id. at 2).

On December 19, 2016, this Court granted the Government’s Motion to hold this civil action in abeyance pending the Fourth Circuit Court of Appeals’ decision in Weston. (Doc. No. 4). The Fourth Circuit decided Weston on March 9, 2017, but stayed its mandate on March 21, 2017, upon Weston’s petition for rehearing or rehearing en banc. The Fourth Circuit has not yet ruled on the motion for rehearing.

1

If Weston does not prevail in the Fourth Circuit, the Government shall file an answer, motion, or other response to Petitioner's § 2255 Motion to Vacate within 30 days of the date on which the time for Weston to file a petition for writ of certiorari in the Supreme Court expires or the date on which the Supreme Court denies Weston's petition for writ of certiorari, whichever is latest. In the event the Supreme Court grants a petition for writ of certiorari in United States v. Weston, Petitioner must notify this Court of that fact within 10 days and the Court shall take further action at that time.

IT IS, THEREFORE, ORDERED that

1. Petitioner's motion to hold these proceedings in abeyance (Doc. No. 5) is
GRANTED;
2. The above-captioned action is **STAYED** pending disposition of United States v. Weston, Fourth Cir. No. 15-4744;
3. Thereafter, the Government shall have 60 days to file an answer, motion, or other response to Petitioner's § 2255 Motion to Vacate, according to the schedule outlined in the body of this Order; and
4. In the event the Supreme Court grants a petition for writ of certiorari in United States v. Weston, counsel for Petitioner shall notify the Court within 10 days of that date.

Signed: June 1, 2017



Robert J. Conrad, Jr.
United States District Judge

